

(2011) 02 KL CK 0001

In the High Court Of Kerala

Case No : Writ Petition (C) No. 4650 of 2011 (E)

Uthuppan and Cyriac Velliyan

APPELLANT

Vs

The Assistant Executive Engineer, The Assistant Engineer and
Krishnan

RESPONDENT

Date of Decision : 22-02-2011

Acts Referred:

Telegraph Act, 1885 — Section 16

Citation : (2011) 02 KL CK 0001

Hon'ble Judges : P.N.Ravindran, J

Bench : Single Bench

Advocate : M.J. Thomas, for the Appellant; No Appearance, for the Respondent

Judgement

P.N. Ravindran, J.—The Petitioners own lands in Aiyamanam Village. They have filed this writ petition for an order restraining Respondents 1 and from drawing electricity line along the pathway leading to the lands belonging to the them for the purpose of providing electricity connection to the residence of the third Respondent, except after complying with the procedure stipulated in Section 16 of the Telegraph Act. The Petitioners allege that if electricity line is drawn through the pathway which is only one foot wide, it will cause serious prejudice to them.

2. When the writ petition came up for admission-hearing on 14.2.2011, the learned standing counsel appearing for the Board was directed to get instructions. Today, when the writ petition came for further hearing, the learned standing counsel submitted on instructions that till date, the Petitioners have not objected in writing to the proposal to draw electricity line through the pathway and that in view of the objection now raised by filing this writ petition, the Board will have to move the District Magistrate in terms of Section 16 of the Indian Telegraph Act and seek appropriate orders.

3. In the light of the said submission, I dispose of the writ petition with a direction to Respondents 1 and 2 to move the District Magistrate in terms of Section 16 of the Indian Telegraph Act before proceeding to provide electricity

connection to the residence of the third Respondent. The District Magistrate shall upon being moved in that regard issue notice to the Petitioners, the third Respondent and other persons who would be likely to be affected by the drawing of the line, afford them an opportunity of being heard and pass orders expeditiously and in any event within two months from the date on which the Board moves the Additional District Magistrate.